

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7689**

**BILL NUMBER:** HB 1820

**NOTE PREPARED:** Jan 8, 2005

**BILL AMENDED:**

**SUBJECT:** Registry For Legislative Candidate Surveys.

**FIRST AUTHOR:** Rep. Budak

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** The bill requires an organization that distributes surveys or questionnaires to candidates for legislative office to register with the Election Division. The bill requires the organization to file with the election division: (1) a copy of each survey or questionnaire distributed; (2) the organization's position on each question; and (3) the candidate's response. The bill specifies information that the organization must provide to the candidate along with the survey or questionnaire. The bill provides for civil penalties.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** *Summary:* Under the bill, the Election Commission would have to prescribe a form for the registry of survey organizations. The Election Division would have to file such forms, which would require an increase in administrative time. Additionally, the Division would be required to perform investigations of suspect organizations at the request of candidates for legislative office.

*Background:* As of December 2004, the Election Division had 13 staff positions. Four positions: a systems analyst, an unclassified executive position, a Governor's fellow, and a PAT 1 attorney were vacant. The other 10 positions included one attorney, two field auditors, two unclassified executive positions, two program coordinators, and two administrative personnel.

The Election Commission/Division reverted \$63,947 back to the state General Fund at the end of FY 2004. The Election Division was appropriated \$794,571 in FY 2004 and \$725,571 in FY 2005.

**Explanation of State Revenues:** *Summary:* If an organization that were to fail to register or file any document

with the Election Division before sending a survey/questionnaire under the provisions of the bill would be subject to a civil penalty. The civil penalty for registration would not exceed \$1,000 plus any investigative costs incurred and documented by the Election Division. The civil penalty for failure to file proper documentation with the Election Division would result in a civil penalty of \$50 per day that the documentation is not filed past the filing deadline. The penalty would not to exceed \$1,000 (20 days of penalties at \$50 per day.)

All civil penalties assessed, under the proposal, would be deposited in the state Campaign Finance Enforcement Account (CFEA.)

*Background:* In FY 2004 \$5,041 in penalties were deposited into the CFEA. The CFEA is used for the enforcement of campaign laws and creating and operating a campaign finance computer system, including the investment in technology to expand the capabilities of the computer system.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Election Commission, Election Division.

**Local Agencies Affected:**

**Information Sources:** *State of Indiana HRM Detail Staffing Report, December, 2004*; State Budget Agency: *FY2004 General and Rainy Day Fund Summaries*; State of Indiana: *List of Appropriations July 1, 2003 to June 30, 2005*; BUDSTARS.

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